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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA  
8 WESTERN DIVISION  
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10 RAMON PERAITA, ) No. EDCV 08-1008 DSF (FFM)  
11 Petitioner, ) ORDER FOR DISMISSAL  
12 v. )  
13 WARDEN KNOWLES, et al., )  
14 Respondents. )  
15 \_\_\_\_\_ )

16 On July 15, 2008, Ramon Peraita (hereinafter "Petitioner") initiated this  
17 action, *pro se*, by filing a "Petition for Writ of Habeas Corpus by a Person in State  
18 Custody" (hereinafter "Petition") in the United States District Court for the  
19 Eastern District of California. The Petition was transferred to and filed in this  
20 Court on July 24, 2008.

21 On November 3, 2008, Petitioner filed a "Motion to Dismiss Writ of  
22 Habeas Corpus," asking the Court to dismiss the Petition without prejudice.

23 The Court construes Petitioner's motion as a notice of dismissal. Because  
24 respondent has not filed an answer to the petition, pursuant to Fed.R.Civ.P.  
25 41(a)(1) the notice is sufficient in and of itself to dismiss the Petition.

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1 IT IS THEREFORE ORDERED that the Petition is hereby dismissed  
2 without prejudice.

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4 DATED: 11-26-08

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7 DALE S. FISCHER  
United States District Judge

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9 Presented by:

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11  
12 / S / FREDERICK F. MUMM

13 FREDERICK F. MUMM  
14 United States Magistrate Judge